

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

**BLACKBERRY BOTANICALS dba
BLACKBERRY SPRINGS FARM,
NEAL LAFERRIERE,
ELIZABETH LAFERRIERE,
ION MOCCO,
A.L., a minor,
A.L., a minor,
N.L. II, a minor,
Through their parents and next of friends and
MATTHEW P. HALE,**

Plaintiffs,

v.

Civil Action No. 5:19-cv-00182

**EQUITRANS MIDSTREAM CORPORATION,
MOUNTAIN VALLEY PIPELINE, LLC,
US TRINITY ENERGY SERVICES, LLC,
SWANSON GROUP AVIATION, LLC, and
AG MAX, LLC,**

Defendants.

**PETITION OF PLAINTIFFS NEAL AND ELIZABETH LAFERRIERE, AS
BIOLOGICAL PARENTS AND NEXT FRIENDS OF MINOR PLAINTIFFS A.L., A.L. &
N.L. II, FOR COURT APPROVAL & CONFIRMATION OF SETTLEMENTS ON
BEHALF OF A.L., A.L. & N.L. II, PURSUANT TO WEST VIRGINIA CODE § 44-10-14**

COME NOW Plaintiffs Neal and Elizabeth Laferriere, the biological parents and next friends of minor Plaintiffs A.L., A.L. & N.L. II who are under the age of eighteen years and file this Petition, pursuant to West Virginia Code § 44-10-14, requesting the Court to approve and confirm a settlement compromise with Defendants Equitrans Midstream Corporation, Mountain Valley Pipeline, LLC, US Trinity Energy Services, LLC, Swanson Group Aviation, LLC and Ag-Max, LLC, for tort claims on behalf of minor Plaintiffs A.L., A.L. & N.L. II. In support thereof, Plaintiffs sets forth, under oath, the following facts:

1. That minor Plaintiff A.L., is a [REDACTED].

2. That minor Plaintiff A.L., is a [REDACTED].

3. That minor Plaintiff N.L. II, is [REDACTED].

4. That the facts of the injuries and damages of minor Plaintiffs A.L., A.L. & N.L. II relied upon in requesting the Court to consider and approve the proposed settlement and release are that these minor Plaintiffs sustained or suffered minor abrasions and emotional distress when “Earthguard-Edge” pellets were dropped from a helicopter, allegedly owned, operated or directed by the Defendants, and struck minor Plaintiffs A.L., A.L. & N.L. II. *See* Amended Complaint (Doc. 4) at ¶ 31.

5. That the circumstances and events leading to the injury or loss at issue and the identities of the persons or entities alleged to be responsible for the injury or loss are that Defendants trespassed upon the Plaintiffs’ land by indiscriminately dropping “Earthguard-Edge” pellets from an helicopter, allegedly owned, operated or directed by the Defendants, onto Plaintiffs Neal and Elizabeth Laferriere’s property without their permission. The pellets struck six (6) of the Plaintiffs, including minor Plaintiffs A.L., A.L. & N.L. II. Plaintiffs Neal and Elizabeth Laferriere also contend that the pellets contaminated their property and damaged their ability to operate an organic farm on the property.

6. That Defendants or their counsel acting on their behalf, have negotiated and tentatively agreed to settle the case, including any and all claims of minor Plaintiffs A.L., A.L. & N.L. II resulting from their alleged acts or omissions. Defendants or their counsel acting on their behalf, have offered to pay Plaintiffs a global and total sum of [REDACTED] [REDACTED] for the complete settlement of all claims regarding its acts or omission, including

minor Plaintiffs A.L., A.L. & N.L. II. In addition, minor Plaintiffs A.L., A.L. & N.L. II will benefit from the settlement because Plaintiffs Neal and Elizabeth Laferriere anticipate using their portion of the settlement proceeds for continued stable housing, to maintain a safe learning environment for home schooling and to restart their organic plant business.

7. That, as a result of said allegations, minor Plaintiffs A.L., A.L. & N.L. II sustained or suffered minor abrasions and emotional distress.

8. That Plaintiffs Neal and Elizabeth Laferriere are the biological parent and next friend of minor Plaintiffs A.L., A.L. & N.L. II.

9. That minor Plaintiffs A.L., A.L. & N.L. II do not have permanent injuries or impairments as a result of the allegations against the Defendants contained in the Amended Complaint.

10. That minor Plaintiffs A.L., A.L. & N.L. II did not incur any medical bills or expenses as a result of the allegations contained in the Amended Complaint. There is an attorney fee in the amount of [REDACTED] and litigation costs in the amount of [REDACTED]. The respective net proceeds would be [REDACTED]. Of this amount, the respective net distribution to minor Plaintiff A.L. would be [REDACTED], the respective net distribution to minor Plaintiff A.L. would be [REDACTED] and the respective net distribution to minor Plaintiff N.L. II would be [REDACTED]. The remaining amount would be disbursed between Plaintiffs Neal & Elizabeth Laferriere [REDACTED], Matthew P. Hale [REDACTED] and Ion Mocco [REDACTED].

11. That Plaintiffs Neal and Elizabeth Laferriere do not anticipate any future expenses for the treatment and care of minor Plaintiffs A.L., A.L. & N.L. II related to the allegations against the Defendants in the Amended Complaint.

12. That Plaintiffs Neal and Elizabeth Laferriere states that the proceeds of the respective settlement trusts on behalf of minor Plaintiffs A.L., A.L. & N.L. II will be deposited into F.D.I.C. insured, interest-bearing saving accounts, or other appropriate investment accounts approved by the Court in the respective name of minor Plaintiffs A.L., A.L. & N.L. II. The respective settlement trust proceeds will remain in the name of Plaintiffs Neal and Elizabeth Laferriere until the respective minor Plaintiff reaches the age of majority. Plaintiffs Neal and Elizabeth Laferriere acknowledge that they will disburse the settlement trust proceeds in these accounts, prior to the respective times minor Plaintiffs reach their ages of majority, only after obtaining the approval of the Court.

13. That Plaintiffs Neal and Elizabeth Laferriere are of the opinion that, under all of the circumstances in question and the physical condition of minor Plaintiffs A.L., A.L. & N.L. II, the global settlement amount offered by or on behalf of the Defendants is fair and reasonable; Plaintiffs Neal and Elizabeth Laferriere are of the opinion that the acceptance of such sums of money, the release and acquittance of the Defendants, along with their agents would serve the best interests of minor Plaintiffs A.L., A.L. & N.L. II. Plaintiffs Neal and Elizabeth Laferriere request such other relief as the Court may determine is appropriate in the best interest of minor Plaintiffs A.L., A.L. & N.L. II.

WHEREFORE, Plaintiffs Neal and Elizabeth Laferriere respectfully requests that this Court file this Petition and proceed to have a hearing upon the facts and circumstances arising

upon this Petition in order that Plaintiffs Neal and Elizabeth Laferriere be authorized to consummate said agreed settlement and to receive by or on behalf of Defendants Equitrans Midstream Corporation, Mountain Valley Pipeline, LLC, US Trinity Energy Services, LLC, Swanson Group Aviation, LLC and Ag-Max, LLC, the sum of [REDACTED] [REDACTED] as set forth hereinabove; that this Court approve the payment of the attorney fees and litigation costs which were incurred in the prosecution of this claim; and that Plaintiffs Neal and Elizabeth Laferriere be authorized to execute and deliver a full and complete release releasing the Defendants and their agents from any and all claims and demands of minor Plaintiffs A.L., A.L. & N.L. II or Plaintiffs Neal and Elizabeth Laferriere on account of and arising out of any injuries to minor Plaintiffs A.L., A.L. & N.L. II which may be related to the allegations against the Defendant contained in the Amended Complaint.

**Plaintiffs Neal and Elizabeth Laferriere,
By Counsel,**

/s/ David R. Barney, Jr.

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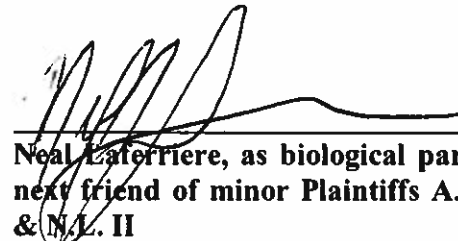
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Counsel for Plaintiffs

STATE OF WEST VIRGINIA,

COUNTY OF SUMMERS, to-wit:

Neal and Elizabeth Laferriere, biological parents and next friends of minor Plaintiffs A.L., A.L. & N.L. II and Plaintiffs named in the foregoing Petition, state that the facts and allegations contained in said Petition are true, except such as they are therein stated to be upon information and belief, and that such as they are therein stated to be upon information and belief, they believe them to be true.

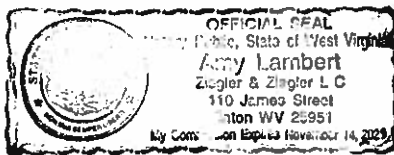

Neal Laferriere, as biological parent and
next friend of minor Plaintiffs A.L., A.L.
& N.L. II


Elizabeth Laferriere, as biological parent
and next friend of minor Plaintiffs A.L.,
A.L. & N.L. II

I, Amy Lambert, a Notary Public in and for the aforesaid county and state, hereby do certify that Neal and Elizabeth Laferriere, whose names are signed to the foregoing affidavit, have this day acknowledged the same before me in my said county and state.

Taken, subscribed and sworn before me on this the 3 day of April, 2020.

My Commission expires 11-14-21




NOTARY PUBLIC

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CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiffs Neal and Elizabeth Laferriere hereby certifies that on **April 8, 2020**, a true copy of the foregoing *“Petition of Plaintiffs Neal and Elizabeth Laferriere, as biological parents and next friends of minor Plaintiffs A.L., A.L. & N.L. II, for Court approval & confirmation of settlements on behalf of A.L., A.L. & N.L. II, pursuant to West Virginia Code § 44-10-14”* was filed electronically through the CM/ECF electronic system which will send notification of the filing to the following counsel of record:

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